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**DEPARTMENT OF DEFENSE
DIRECTIVES SYSTEM TRANSMITTAL**

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ATTACHMENTS

2 Pages

INSTRUCTIONS FOR RECIPIENTS

The following pen and page changes to DoD Instruction 1342.24, "Transitional Compensation for Abused Dependents," May 23, 1995, are authorized:

PEN CHANGES

Page 1

Subsection B.2., line 2. Change "on or after November 30, 1993, have been" to ", after November 29, 1993, are"

Paragraph B.2.a., line 2. Delete "or"

Paragraph B.2.b., line 2. Change "." to "; or"

After Paragraph B.2.b., add a new paragraph B.2.c. "Sentenced to forfeiture of all pay and allowances by a court-martial which has convicted the member of a dependent-abuse offense."

Page 3

Subparagraph F.2.a.(2). Change "October 19, 1994" to "November 30, 1993"

WHEN PRESCRIBED ACTION HAS BEEN TAKEN, THIS TRANSMITTAL SHOULD BE FILED WITH THE BASIC DOCUMENT

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INSTRUCTIONS FOR RECIPIENTS (continued)

PAGE CHANGES


Remove: 5 and 6

Insert: Attached replacement pages

Changes appear on page 6 and are indicated by marginal asterisks.

EFFECTIVE DATE

The above changes are effective immediately.


Larry E. Curry, Director
Correspondence and Directives

b. Cohabitation.

(1) If the member resides in the same household as the spouse or dependent child to whom compensation is otherwise payable under this Instruction, payment shall terminate as of the date the member begins residing in such household.

(2) Once terminated under subsection F.3.b.(1), above, payment shall not be resumed.

(3) Compensation paid in accordance with this Instruction before the member resides in the household shall not be recouped.

c. Active Participant. If the victim was a dependent child, and the spouse has been found by competent authority designated by the Secretary concerned to have been an active participant in the conduct constituting the criminal offense or to have actively aided or abetted the member in such conduct against that dependent child, the spouse, or dependent child living with the spouse shall not be paid transitional compensation.

d. Annual Certification. The spouse must notify the DFAS within 30 days of the date of remarriage or the date the member begins residing in the same household as the spouse or dependent child. The spouse (or if applicable, the individual receiving payments under paragraph F.1.e., above) shall annually certify to DFAS on a Certificate of Eligibility (COE) that he or she has not remarried and has not been cohabitating with the member. Dependent children (or if applicable, the individual receiving payments under paragraph F.1.e., above) shall annually certify via the COE process that they are not cohabitating with the member or ineligible spouse.

4. Coordination of Benefits. A spouse may not receive payments under both sections 1059 and 1408(h) of 10 U.S.C. (reference (b)). If a spouse is otherwise eligible for both, the spouse must elect which to receive.

5. Source of Funds. Transitional compensation must be paid from operations and maintenance funds.

6. Application Procedures. An individual must initiate a request through a Service-appointed representative. The Service representative shall coordinate the collection of information necessary to determine the validity of the claim, the recipient(s), and duration of payments using DD Form 2698, "Application for Transitional Compensation". The Service representative shall approve payment and forward the application to DFAS at the following address:

DFAS-DE/FRB
6760 East Irvington Place
Denver, CO 80279-6000
Facsimile numbers:
DSN: 926-4667
COMM: (303) 676-4667

The DFAS point of contact is DFAS-DE/FRBS, at DSN: 926-4514 or COMM: (303) 676-4514.

7. Commissary and Exchange Benefits

a. Recipients are also entitled to use commissary and exchange stores while receiving their payments. They are allowed the same commissary and exchange privileges as a dependent of a member of the Armed Forces on active duty for a period of more than 30 days.

b. If a recipient eligible or entitled to use the commissary and exchange stores under paragraph F.7.a., above, is also eligible or entitled under another law, eligibility and entitlement shall be determined under the other law and not paragraph F.7.a., above.

8. Medical Benefits

a. A dependent of a member who has been separated from a Uniformed Service due to a dependent-abuse offense may receive medical or dental care in facilities of the Uniformed Services or through the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS). Receipt of the medical or dental care is subject to the limitations in paragraphs F.8.b. and F.8.c., below.

b. Eligible dependents of a member who receives a dishonorable or bad-conduct discharge, is dismissed as a result of a court martial, or is administratively separated from a Uniformed Service as a result of a dependent-abuse offense are entitled to medical or dental care for problems associated with the abuse. Entitlement to such care is limited to a period of one year following the member's separation from the Uniformed Service, and eligibility will be granted only upon request to the Secretary of the Military Department concerned. The determination of whether an offense involved abuse of a dependent shall be made by the Secretary of the Military Department concerned.

c. Eligible dependents of a member who is retirement eligible, but who loses eligibility for retired pay because of dependent-abuse misconduct, may receive medical and dental care in accordance with section 1408(h) of 10 U.S.C. (reference (b)).

G. EFFECTIVE DATE

This Instruction is effective immediately.


F. Pang

Principal Deputy Under Secretary of Defense
For Personnel and Readiness